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Cover Page Footnote

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PROTECTING WOMEN'S WELFARE IN THE FACE OF VIOLENCE

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Susan J. Kraham**

I. Introduction

In the sixty years since Aid to Families With Dependent Children (AFDC) was enacted,¹ its function has evolved with the changing times. At the outset, AFDC and the state-level mother's pensions that preceded it were devised to help single women care for their children in the home.² The historic purpose of AFDC has been framed as keeping poor widows out of the workforce.³ Indeed, the statute was premised on a recognition of the value of mother's caregiving and the need for the state to stand in for the absent male breadwinner.⁴ The alternatives at the time were poor-

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1. 42 U.S.C. §§ 601-617 (1988 & Supp. 1993).

2. MICHAEL B. KATZ, *IN THE SHADOW OF THE POORHOUSE* 128-29 (1986); MIMI ABRAMOVITZ, *REGULATING THE LIVES OF WOMEN* 318 (1988).

3. ABRAMOVITZ, *supra* note 2, at 219-35. As implemented by the states, however, the program was often limited to white women. *Id.* at 318-19; TERESA AMOTT & JULIE A. MATTHAEI, *RACE, GENDER & WORK* 170 (1991).

4. Nevertheless, AFDC has never replaced work in women's lives. Mother's pension payments and AFDC benefits were, and are, too small to raise a family. HOUSE COMM. ON WAYS AND MEANS, 103D CONG., 2D SESS., *OVERVIEW OF ENTITLEMENT PROGRAMS: 1994 GREEN BOOK*, 395 tbl. 10-11 (Comm. Print 1994) [hereinafter 1994 GREEN BOOK] (showing that, in all states, AFDC benefits are only a fraction of the poverty threshold). The Institute for Women's Policy Research reports that about 50% of women on AFDC work outside the home either concurrently while receiving benefits, or during frequent stints in the workforce interspersed by short periods on AFDC. ROBERTA SPALTER-ROTH ET AL., *A REPORT TO THE FORD FOUNDATION FROM THE INSTITUTE FOR WOMEN'S POLICY RESEARCH, COMBINING WORK AND WELFARE: AN ALTERNATIVE ANTI-POVERTY STRATEGY* (1993). And of course, all women on AFDC are involved in caregiving work for their families. Indeed, states implementing welfare-to-work programs under the Family Support Act have been unable to keep pace with poor women's demand for job placement and development. U.S. GENERAL ACCOUNTING OFFICE, *GAP/HEHS 95-28, WELFARE TO WORK: CURRENT AFDC PROGRAM NOT SUFFICIENTLY FOCUSED ON EMPLOYMENT* (1994).

houses and orphanages, where children were raised in group settings and in dire poverty.⁵

The AFDC program has also served a number of other functions, some of which its original proponents anticipated and some of which they did not. As was intended by the original proponents, AFDC has been central to efforts to support children within their families.⁶ Further, despite elaborate eligibility requirements and subsistence-level benefits, it has served as an economic safety net for women who, despite admirable gains in the work force, still earn only \$.70 for each dollar earned by a man,⁷ and still suffer disproportionate economic burdens when a marriage or relationship ends.⁸ AFDC permits women to hold their families together in the face of these difficulties.

AFDC also serves another crucial function: in this age when violence against women is finally being recognized as a violation of women's civil rights,⁹ the AFDC safety net allows women and children to leave abusive relationships *before* fear for their very lives forces them to flee.¹⁰

While violence against women has reached epidemic proportions in all sectors of society,¹¹ its role in the lives of poor women is

5. KATZ, *supra* note 2 at 124-29.

6. See, e.g., CENTER FOR THE FUTURE OF CHILDREN, *THE FUTURE OF CHILDREN: CHILDREN AND DIVORCE* 11 (1994) ("[P]ublic assistance programs are critical to decreasing the effects of poverty on divorced women who are awarded child custody . . .").

7. U.S. DEP'T OF STATE, BUREAU OF INT'L ORGANIZATION AFFAIRS, OFFICE OF ECONOMIC AND SOCIAL AFFAIRS, U.S. REPORT TO THE UN ON THE STATUS OF WOMEN 1985-1994 63 (1995) (noting that in 1992, women earned 70.6% of what men did).

8. Women almost always retain custody of the children, often bearing the sole cost of their upbringing. Diana Pearce, *Welfare is Not For Women*, in *WOMEN, THE STATE, AND WELFARE* 267 (Linda Gordon ed., 1990). After a break-up, women must struggle to survive in a work world where they are disproportionately relegated to part-time, low-paying jobs without benefits, where even women who are able to earn enough to feed, clothe and house their families cannot afford childcare costs, and where most employers still implicitly assume that an employee's family care responsibilities are handled by a wife at home. Given these realities, it is hardly surprising that American women experience, on average, a 20% decline in their family income within the first year after divorce. Center for the Future of Children, 4 *The Future of Children: Children and Divorce* 11 (Spring 1994).

9. Violence Against Women Act, 42 U.S.C. § 13981 (1994).

10. See generally Martha F. Davis & Susan J. Kraham, *Beaten, Then Robbed*, N.Y. TIMES, Jan. 13, 1995, at A31.

11. See Fran Ansley, *Symposium: Poverty and Law: Standing Rusty and Rolling Empty: Law, Poverty, and America's Eroding Industrial Base*, 81 GEO. L.J. 1757, 1783 (1993); Jill Smolowe, *What the Doctor Should Do*, TIME, June 29, 1992, at 57 (citing the American Medical Association).

devastating—and unfortunately too little known.¹² There is, however, some limited quantitative and qualitative data available that indicate the central role of violence in creating and prolonging women's poverty. As set out below, these realities of poor women's lives should certainly give pause to those who urge that welfare should be reformed by *cutting* these benefits that serve as a lifeline for abused women and children.

I. Poor Women's Experiences of Violence

For many women, poverty is caused, exacerbated or prolonged by an abusive relationship. The following examples are typical:

In 1992, seven months pregnant, Debby Venturella fled her abusive husband in Oklahoma and moved with her year-old daughter to stay with her parents and grandfather near San Francisco. She had a history of employment, but with one young child and another on the way, she was unable to get a job. When her family in California could no longer support her, she applied for Aid to Families with Dependent Children (AFDC), though she hadn't received welfare in Oklahoma.¹³

S.W. and her four children moved to Milwaukee from Illinois in 1994. Over the past few years, the father of S.W.'s four children and her partner of fifteen years had gotten involved with drugs and become increasingly abusive. As his violence increased, S.W. had to drop out of school and put on hold her efforts to obtain a nursing degree. On the evening of June 30, 1994, he beat S.W. with his fists and a board. S.W. and her children fled the next day. Before moving, S.W. was attending nursing school, working as a nursing assistant and receiving a small welfare grant from the State of Illinois. She had expected that soon she would be able to stop receiving any welfare at all. Leaving home in a hurry to avoid further abuse, S.W. was only able to bring some clothing and a few personal items to Milwaukee. In dire need of housing and other basic necessities for herself and her children, S.W. turned to public assistance.¹⁴

After many years together, Joyce Aldridge, age 51, and her husband began experiencing marital difficulties. They obtained

12. According to the General Accounting Office, the extent to which domestic violence inhibits poor women's participation in the job market and in welfare job training and education programs "is generally unknown, and few accepted national estimates are available." U.S. GENERAL ACCOUNTING OFFICE, *supra* note 4, at 12.

13. Affidavit of Debby Venturella, Green v. Anderson, 811 F. Supp. 516 (E.D. Cal. 1993) (No. Civ-S-92-2118), *aff'd*, 26 F.3d 95 (9th Cir. 1994), *vacated on other grounds*, —U.S.—, 115 S. Ct. 1398 (1995).

14. Affidavit of Plaintiff S.W., dated September 6, 1994, V.C. v. Whitburn (E.D. Wis., filed Sept. 13, 1994) (No. 94-C-1028).

a legal separation. Nevertheless, Aldridge's husband continued to be verbally abusive to her. To escape continued abuse, Aldridge decided to leave North Carolina, where she and her husband had resided, and move to New York where she could be far from her estranged husband and near her family. Aldridge stayed with her brother for several weeks, but when he sold his home, she had no place to go. Lacking housing and without funds, Aldridge applied for public assistance.¹⁵

As these case studies illustrate, adequate financial assistance—whether from family members, friends or public assistance—often is the key factor that enables battered women and their children to leave and remain separated from their abusers. If public assistance were not available as a last resort, many battered women would be forced to remain in or return to dangerous or life-threatening situations.¹⁶

Further, these case studies demonstrate the ways in which the typical dynamics of wife battering exacerbate women's poverty. As discussed below, violence affects poor women in two critical ways: it makes them poor and it keeps them poor. In each of the cases described above, these women were forced to flee far from their abusers in order to avoid stalking and further harassment, leaving behind their homes and existing financial and emotional support networks. In addition, S.W., well on her way to moving off of welfare, was forced to withdraw from nursing school because of her partner's abuse.¹⁷ Unfortunately, these stories are all too typical of women on welfare.

II. The Violence Against Women Epidemic

Each year, between three and four million women in this country are battered by husbands, partners and boyfriends.¹⁸ Half of these women are beaten severely and, in 30% of the domestic violence incidents reported, the assailants used weapons.¹⁹ In the United

15. Proposed Intervenor Petition at ¶¶ 101-111, *Aumick v. Bane*, 612 N.Y.S.2d 766 (1993) (No. 2881/93).

16. See *infra* notes 18-20 and accompanying text.

17. See *supra* note 14 and accompanying text.

18. *Domestic Violence, Not Just a "Family Matter": Hearings Before the Subcomm. on Crime and Criminal Justice of the House Committee on the Judiciary*, 103d Cong., 2d Sess. (1994) [hereinafter *Domestic Violence*] (statement of Senator Joseph Biden, Jr.); Joan Zorza, *Women Battering: High Costs and the State of the Law*, 28 CLEARING-HOUSE REV. 383, 386 (1994); Patricia Horn, *Beating Back the Revolution*, DOLLARS AND SENSE, Dec. 1992, at 12.

19. Zorza, *supra* note 18, at 386.

States, 31.5% of women killed are murdered by their husbands.²⁰ Thus, batterers exert control over their partners' lives by force and threat of force, as well as emotional and economic abuse.

The epidemic is particularly acute among poor women, whose families must cope with the stress of extreme poverty as well as other factors that contribute to violence. In Washington, the only state to collect this information, 60% of women on public assistance reported sexual and physical abuse *as adults*, usually by a spouse or boyfriend.²¹ A preliminary study of the effects of violence on work and family in Humbolt Park, Chicago, conducted by Northwestern University researcher Susan Lloyd, has yielded similar results: 60% of the poor women interviewed named domestic violence and coercion as a factor influencing their lives and their labor force participation.²²

Though domestic violence issues are generally resolved in state courts, the United States Supreme Court previously has acknowledged the danger and magnitude of the domestic violence epidemic.²³ In *Planned Parenthood v. Casey*, the Court invalidated a spousal notification provision of an abortion statute, under an undue burden standard, concluding that:

there are millions of women in this country who are the victims of regular physical and psychological abuse at the hands of their husbands. Should these women become pregnant, they may have very good reasons for not wishing to inform their husbands of their decision to obtain an abortion Many may have a reasonable fear that notifying their husbands will provoke further instances of child abuse Many may fear devastating forms of psychological abuse from their husbands, including verbal harassment, threats of future violence, the destruction of possessions, physical confinement to the home, the withdrawal of financial support²⁴

As the Court noted in *Casey*, there is a positive correlation between spousal abuse and child abuse.²⁵ Like Debby Venturella, described above,²⁶ many women attempt to flee domestic violence

20. *Id.* at 387.

21. WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY, OVER HALF OF WOMEN ON PUBLIC ASSISTANCE IN WASHINGTON STATE REPORTED PHYSICAL OR SEXUAL ABUSE AS ADULTS 1 (Oct. 1993).

22. Telephone interview with Susan Lloyd, Center for Urban Affairs and Policy Research, Northwestern University (Feb. 20, 1995).

23. *Planned Parenthood v. Casey*, 505 U.S. —, 112 S. Ct. 2791, 2826-30 (1992).

24. *Id.* at —, 112 S. Ct. at 2828-29.

25. *Id.* at —, 112 S. Ct. at 2828.

26. See *supra* note 13 and accompanying text.

not only to protect themselves, but to protect their children. Children of battered women are twice as likely to be abused and their fathers are three times more likely to be their abuser.²⁷

Most women deal with abuse by trying to leave: 50-90% of battered women attempt to escape their abusive environment.²⁸ Their efforts, however, are hampered, and often frustrated, by the economic deprivation that frequently accompanies domestic violence and by the volatile response of the abuser to the victim's departure. Abusers do not lightly relinquish control over their former partners. Typically, an abuser searches desperately for his partner once she has fled.²⁹ For many abused women, the only way to stop violence that continues after separation is to move a great distance away from the abuser.³⁰ Testifying before the House Subcommittee on Crime and Criminal Justice, one victim of domestic violence described her flight:

Sixteen years ago I packed everything that would fit into a single suitcase, left behind the few possessions I owned, took my two month old baby girl and ran for my life As I got on the airplane in Dallas that day, I knew that I would never go back and that I could now begin to create a future for my daughter and myself, a future of freedom and safety.³¹

Moreover, leaving an abusive relationship does not always put an end to the violence. Department of Justice statistics show that divorced and separated women report being battered fourteen times as often as women still living with their partners.³² In fact, as Joyce Aldridge found when she and her husband divorced, battering and abuse often increases after separation, as batterers escalate their violence and harassment in an attempt to coerce the

27. Mildred Pagelow, *Justice for Victims of Spouse Abuse in Divorce and Child Custody Cases*, 8 VIOLENCE AND VICTIMS 69, 77 (1993); *Violence Against Women: Domestic Violence Hearing Before the Senate Judiciary Committee*, 101st Cong., 2d Sess. 7 (1990) (statement of Susan Kelly-Dreiss, Pennsylvania Coalition Against Domestic Violence).

28. Horn, *supra* note 18, at 21.

29. *Women's Peril*, THE OTTAWA CITIZEN, April 27, 1994, at A10; Marie Garabedian, *Myths and Realities on Battered Women*, THE FRESNO BEE, Jan. 29, 1994, at B7.

30. For example, in *Anderson v. Green*, Plaintiff DeShawn Green felt that it would not be safe for her and her children to live in the same state as her batterer. Joint Appendix at 72, *Anderson v. Green*, —U.S.—, 115 S. Ct. 1398 (1995) (No. 94-197). Plaintiff Diana Bertolt moved to California from Colorado because she was afraid for her own safety and the safety of her son. *Id.* at 78.

31. *Domestic Violence*, *supra* note 18 (statement of Karla DiGirolamo).

32. CAROLINE HARLOW, U.S. DEP'T OF JUSTICE, FEMALE VICTIMS OF VIOLENT CRIME 5 (1991).

battered woman into reconciliation or to retaliate for her departure.³³ Further, battered women who leave their partners face an elevated homicide risk.³⁴

The danger of separation assault is particularly acute during the first few months of separation.³⁵ The criminal law is replete with cases describing serious bodily injury and murder committed by an abuser in response to a battered woman's flight.³⁶ For example, in *Godfrey v. Georgia*,³⁷ the petitioner was convicted of murdering his wife soon after she had left the marital home and filed for divorce. The U.S. Supreme Court noted that Godfrey had abused his wife during the marriage,³⁸ and described the victim's departure as following a particularly violent episode.³⁹ Increased violence resulting from a battered woman's escape also has been evident in cases in which battered women have killed their abusers. In *Kansas v. Hundley*,⁴⁰ the Kansas Supreme Court described the events preceding the killing:

This was all of [decedent's] violence [defendant] could take. She moved to the Jayhawk Junior Motel. As in typical wife-beating cases, her moving did not eliminate the problem. [Decedent] then started a pattern of constant harassment. He would call her night and day to threaten her life and those of her family. She was so frightened she started carrying a gun.

On . . . the day of the shooting, [defendant] had seen [decedent] early in the day, at which time [he] told [her] he was going to come over and kill her. That night she heard a thumping on

33. Pagelow, *supra* note 27, at 72; Margo Wilson & Martin Daly, *Spousal Homicide Risk and Estrangement*, 8 VIOLENCE AND VICTIM 3 (1993). See Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 5-6 (1991) ("At the moment of separation . . . the batterer's quest for control often becomes most acutely violent and potentially lethal.").

34. See Wilson & Daly, *supra* note 33, at 7. Testifying before Congress, one victim described her batterer's response when she tried to escape with her two small children: "You lied to me when you said our wedding vows and said until death do we part. That's the way its going to be." *Oversight Hearing on the Issue of Violence Against Women Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary*, 102d Cong., 2d Sess. 7 (1992) (statement of Jane Doe on Behalf of Victim Services).

35. *Id.* at 10. See Mahoney, *supra* note 33, at 6 (naming the escalating violence "separation assault" and identifying it as a common thread uniting "suits on enforcement of temporary restraining orders, the cases with dead women . . . and the cases with dead men").

36. See Pagelow, *supra* note 27, at 72.

37. 446 U.S. 420 (1980).

38. *Id.* at 424 n.3.

39. *Id.* at 424.

40. 693 P.2d 475 (Kan. 1985).

her motel door while she was in the bathroom. By the time [she] got out of the bathroom [he] had broken the door lock and entered the room. His entry was followed by violence. [She] was hit and choked and her life was again threatened.⁴¹

Similarly, in a case involving the use of battered woman syndrome evidence and demonstrating the severity of separation assault against battered women, the Supreme Court of Pennsylvania detailed the history of violence between the defendant and decedent:

[S]he agreed to meet with him to make it clear that she did not want to see him any more. When [defendant] asked [decedent] to take her home from this meeting, [he] drove instead to a shopping center where he dragged her out of the car and then repeatedly attempted to run over her with the car. Failing to run over [her], [he] finally jumped out of the car and punched [her], breaking her nose and rendering her semi-conscious.⁴²

Even escape to a shelter for victims of domestic violence is not always successful. Many batterers will stalk their victims, using personal contacts or creative resources to track down the addresses of local shelters.⁴³

State legislators have begun to recognize that many women are relentlessly terrorized by men with whom they previously had a relationship, and that existing laws and orders of protection cannot stop the abuse. Forty-eight states and the District of Columbia now have anti-stalking laws.⁴⁴ But despite the widespread enactment of anti-stalking laws, batterers continue to terrorize women who have left them.⁴⁵ Judicial opinions upholding convictions under the stalking laws provide a chronicle of the menacing nature of batterers' continuing abuse:

41. *Id.* at 476.

42. *Pennsylvania v. Stonehouse*, 555 A.2d 772, 775 (Pa. 1989).

43. Kathleen Ferraro & John Johnson, *The New Underground Railroad*, 6 STUDIES IN SYMBOLIC INTERACTION 377, 380-83 (1985) (describing case histories in which batterers got information from friends on the police force; used visitation with children to locate their victims; or begged for information from sympathetic taxi drivers).

44. M. Katherine Boychuk, Comment, *Are Stalking Laws Unconstitutionally Vague or Overbroad?*, 88 NW. U. L. REV. 769, 769 n.1 (1994).

45. Recognizing the extent of the problem, Congress recently amended 28 U.S.C. § 534 by adding a provision granting courts access to national criminal information databases for use in domestic violence or stalking cases. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 § 40601, 108 Stat. 1796, 1950-51 (1994). That provision also authorized federal and state agencies to enter into databases information regarding arrests, convictions and warrants for stalking and domestic violence. *Id.*

Following appellant's separation from [the victim] in 1987, he engaged in a pattern of conduct that frequently involved following her and maintaining surveillance on her residence. In the summer of 1992, after [the victim] began dating Bill Carter, appellant's surveillance activities increased dramatically. These activities included driving up and down the dead-end street where [the victim] lived, parking within sight of the residence, and watching the house for extended periods of time In July 1992, [the victim] was "alarmed" after discovering appellant had followed her to an out-of-town wedding

On September 19, 1992, at 7:00 a.m. Mr. Carter awoke to a telephone call from a male caller who stated, "If you don't stop seeing her, I'm going to shoot both your asses." . . .

The evidence established that in response to appellant's threat and course of conduct, [the victim] carried tear gas in her purse, had motion detector lights installed on the outside of her home, and "slept with a hammer" beside her bed. She watched for appellant everywhere she went and on one occasion, she obtained a police escort⁴⁶

Having made the decision to flee, women in abusive relationships often must move to another community to receive crucial emotional support and transitional shelter from families and friends while they try to put their lives back in order.⁴⁷ Many women in this position, with no place else to turn, seek help from relatives in distant locations.⁴⁸ The plaintiffs in *Green v. Anderson*⁴⁹ are good examples of this pattern. In *Green*, the plaintiffs challenged, and the district court invalidated, California's recently enacted durational residency requirement. DeShawn Green left her abusive partner in Louisiana to return to her childhood home, Sacramento, California, hoping to take shelter with her mother.⁵⁰

46. *Woolfolk v. Virginia*, 447 S.E.2d 530, 531-32 (Va. Ct. App. 1994).

47. See LEE H. BOWKER, BEATING WIFE BEATING 11, 75, 136 (1983); EDWARD W. GONDOLF & ELLEN R. FISHER, BATTERED WOMEN AS SURVIVORS: AN ALTERNATIVE TO TREATING LEARNED HELPLESSNESS 28 (1988). For one victim of domestic violence, "what she needed was an escape route to a city where neither she nor [her batterer] had other contacts or resources. This is precisely what the underground railroad provided. She was whisked off to a city about 2,000 miles away" *Id.* at 381.

48. See *Kansas v. Stewart*, 763 P.2d 572 (Kan. 1988) (involving a battered wife who fled from Kansas to her sister's home in Oklahoma).

49. 811 F. Supp. 516 (E.D. Cal. 1993), *aff'd*, 26 F.3d 95 (9th Cir. 1994), *vacated on other grounds*, —U.S.—, 115 S. Ct. 1398 (1995). In *Green*, the plaintiffs challenged, and the district court invalidated, California's recently enacted durational residency requirement.

50. Joint Appendix at 71, *Anderson v. Green*, —U.S.—, 115 S. Ct. 1059 (1995) (No. 94-197).

Debby Venturella left her increasingly abusive husband in Oklahoma and moved with her child to California to stay with her parents and grandfather.⁵¹ Diana Bertolli and her son moved in with her uncle in California because she feared that the partner she left behind in Colorado was a danger to them.⁵² Once that help is exhausted, these women must often turn to AFDC to survive while they and their children make the transition to a new life.⁵³

III. The Importance of Economic Support

The necessity of public assistance for battered women once they flee is a result of specific dynamics and patterns of the abusive relationship. Battered women often are subject to complete control and financial isolation by their batterers. The economic vulnerability of battered women is exacerbated by their need to flee persistent and escalating violence. Women frequently must leave quickly and secretly without time to pack. Often, women of all income levels must leave everything behind.⁵⁴ As a result, many women escape and hide from a batterer with very few resources, often only money they have managed to hide or scrape together over long periods of time.⁵⁵

Because many domestic violence victims are economically dependent on the men who abuse them, few victims have the resources necessary to begin a new life for themselves and their children. Batterers commonly isolate battered women from financial resources.⁵⁶ For example, many battered women do not have ready access to cash, checking accounts, or charge accounts.⁵⁷ One study showed that 27% of battered women had no access to cash, 34% had no access to a checking account, 51% had no access to

51. *Id.* at 75.

52. *Id.* at 80.

53. Data collected by the state of Wisconsin indicates that a large percentage of domestic abuse victims become AFDC recipients after making a decision to leave their relationships. WISCONSIN DEP'T OF ADMINISTRATION, DIVISION OF HOUSING, STATE OF WISCONSIN 1994-1998 COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY 63 (1993) [hereinafter, WISCONSIN HOUSING REPORT].

54. Barbara P. Davidson & Pamela J. Jenkins, *Class Diversity in Shelter Life*, 34 SOCIAL WORK 491, 492 (1989).

55. See, e.g., LEWIS OKUN, WOMEN ABUSE: FACTS REPLACING MYTHS 69 (1986); DEL MARTIN, BATTERED WIVES 84 (1976) (citing study in which a woman managed to save \$1.75 over a two-year period. Adding that to the five dollars her grandmother sent her for Christmas, she had just enough to buy bus tickets).

56. See *Planned Parenthood v. Casey*, 505 U.S. —, 112 S. Ct. 2791, 2828 (1992) (citing LENORE WALKER, THE BATTERED WOMAN SYNDROME 28 (1984)).

57. Lisa G. Lerman, *A Model State Act: Remedies for Domestic Abuse*, 21 HARV. J. ON LEGIS. 61, 90 (1984).

charge accounts, and 22% had no access to a car.⁵⁸ This economic isolation may itself increase the violence. According to experts on domestic violence, the more economically dependent a woman is on her batterer, the more likely she is to be at risk for serious injury.⁵⁹

Some batterers who are distrustful of any outside contact their partners may have forbid their partners from working outside the home.⁶⁰ In one study, one third of the women surveyed reported that their batterers had prohibited them from working.⁶¹ Further, a recent study conducted by the Taylor Institute in Chicago demonstrates, for the first time, the ways that violence inhibits or prevents poor women from participating in welfare-to-work programs, and ultimately from obtaining employment.⁶² According to the study, 58% of women who entered the Chicago Commons West Humbolt Employment Training Center, a welfare-to-work program, between 1993-94, were *current* victims of domestic violence.⁶³ An additional 26% were *past* victims of domestic violence.⁶⁴ Moreover, studies from across the country confirm these results. The Women's Employment Network in Kansas City, Missouri, reports that 75-80% of its participants self-report domestic violence during the course of its program.⁶⁵ According to Sue Boyd at the Denver Family Opportunity Program, domestic violence is the "biggest issue for successful transition into the workplace."⁶⁶

The stories of program participants themselves make clear how big a hurdle domestic violence can be for women seeking to move out of poverty. Job training participants report that they cannot come to basic skills classes regularly because their attendance provokes violent behavior against them.⁶⁷ Staff making home visits to

58. WALKER, *supra* note 56, at 28. Women of all income levels may be affected by this economic isolation. LISA FREEDMAN, *WIFE ASSAULT IN NO SAFE PLACE* 47 (Connie Guberman & Margie Wolfe eds., 1985); Horn, *supra* note 18, at 21.

59. Michael J. Strube & Linda S. Barbour, *The Decision to Leave an Abusive Relationship: Economic Dependence and Psychological Commitment*, 45 J. OF MARRIAGE AND THE FAM. 785, 786 (1983).

60. See MILDRED D. PAGELOW, *WOMEN BATTERING: VICTIMS AND THEIR EXPERIENCES* 150 (1981); Horn, *supra* note 18, at 12.

61. Melanie Shepard & Ellen Pence, *The Effect of Battering on the Employment Status of Women*, 3 AFFILIA 55 (1988).

62. JODY RAPHAEL, TAYLOR INSTITUTE, *DOMESTIC VIOLENCE: TELLING THE UNTOLD WELFARE-TO-WORK STORY* (1995).

63. *Id.* at 3.

64. *Id.*

65. *Id.* at 4.

66. *Id.*

67. RAPHAEL, *supra* note 62, at 4.

participants who have dropped out of programs find women with visible bruises, black eyes and cigarette burns.⁶⁸ One researcher reported that, when she convened a focus group of program administrators to discuss barriers to employment, they overwhelmingly identified violence against women as the major problem; according to one focus group participant, it was "typical" to see a woman come to her first or second training session with a black eye, then drop out of the program entirely.⁶⁹

For those battered women who are able to work outside the home, the situation is not much better. They often are forced to relinquish their earnings to batterers who insist upon handling all the money in the relationship.⁷⁰ Further, these women can lose their jobs because of the abusers' disruptive behavior.⁷¹ Many victims must miss work because of injury inflicted by their batterers. One study found that 96% of the women who were working while involved in an abusive relationship experienced problems at work.⁷² More than half of their abusers harassed them over the telephone.⁷³ Over half of the women reported missing work, being reprimanded, or having trouble with job performance.⁷⁴ Thus, it is not surprising that the rate of unemployment among battered women is higher than that of other women.⁷⁵

Women who, despite these economic obstacles, flee abuse usually take their children with them and thus have additional financial responsibilities that contribute to poverty.⁷⁶ Because battered women may seek to protect themselves and their children by trading financial support or distribution of assets for more protective

68. *Id.*

69. Telephone interview with General Accounting Office research staff (Jan. 5, 1995).

70. LENORE WALKER, ABUSED WOMEN AND SURVIVOR THERAPY 62 (1994). See Kathleen Waits, *The Criminal Justice System's Response to Battering: Understanding the Problem, Forging the Solutions*, 60 WASH. L. REV. 267, 280-81 & n.60 (1985).

71. See RICHARD GELLES & C.P. CORNELL, INTIMATE VIOLENCE IN FAMILIES 75 (1985) (finding that wives who have better jobs than their husbands face an increased risk of assault); Jason DeParle, *Welfare Mothers Find Jobs are Easier to Get than Hold*, N.Y. TIMES, Oct. 24, 1994, at A1 (reporting that abusive boyfriends interfere with women's employment when they feel "threatened by the prospect of [the woman's] independence."). Women who are battered also may be harassed by their partners at the workplace. Shepard & Pence, *supra* note 61, at 57-59; FREEDMAN, *supra* note 58, at 52.

72. Zorza, *supra* note 18, at 384.

73. *Id.*

74. *Id.* at 385.

75. See Strube & Barbour, *supra* note 59, at 786.

76. Davidson & Jenkins, *supra* note 54, at 492.

custody or limitations on the batterers' visitation with their children, they often are unable to rely on sources of support available to other single parents.⁷⁷ In some instances, abused women are, justifiably, too afraid to seek child support or maintenance because they do not want any contact with their abuser.⁷⁸ Where women do pursue child support or divorce litigation, batterers often will retaliate by waging financial warfare. A batterer may, for example, empty the joint bank accounts and prolong divorce or custody proceedings to increase the victim's legal costs.⁷⁹

When less drastic measures have not stopped the abuse and harassment, some women have not only fled, but "gone underground," cutting off all contact with their former lives and adopting new names.⁸⁰ As a result, they encounter other obstacles to financial stability. They cannot seek child support because it would alert the man stalking them to their new location.⁸¹ They also cannot try to recover possessions left behind in the initial escape and may face difficulty obtaining a new job because they cannot risk giving old employers as references for fear that either the potential employers would learn their true identities or their old employers would discover their new locations.

In sum, women's escape from violence in their own homes is dependent, to a great extent, on available financial resources.⁸² With-

77. Pagelow, *supra* note 27, at 74.

78. Horn, *supra* note 18, at 22.

79. *See id.* at 21.

80. In an effort to provide escape from the most persistent abusers, battered women's shelters and service providers have banded together, often informally, in what has been described as a modern incarnation of the "underground railroad." Ferraro & Johnson, *supra* note 43, at 378. The underground railroad enables women to flee to other cities and states and begin a violence-free life for themselves and their children. In recognition of battered women's need for secrecy as they flee under these circumstances, the United States Postal Service has been ordered to "promulgate regulations to secure the confidentiality of domestic violence shelters and abused person's addresses." 42 U.S.C. § 13951 (1988), *amended by* Pub. L. No. 103-322 § 40281 (1994).

81. *Cf.* 42 U.S.C. § 602(a)(26) (1988 & Supp. 1993); 45 C.F.R. §§ 232.12-42 (1992) (AFDC recipients are released from obligation to cooperate with state's child support collection efforts if doing so would threaten physical or emotional harm).

82. "The fear of poverty or a greatly lowered standard of living is a major reason why women stay in abusive situations . . ." GINNY NiCARTHY, *GETTING FREE: A HANDBOOK FOR WOMEN IN ABUSIVE RELATIONSHIPS* 11 (1986). Women are more likely to stay in an abusive relationship when the economy is bad and unemployment is high because it will be more difficult for them to find work and support themselves and their children. Horn, *supra* note 18, at 13. Significantly, the most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him. EDWARD W. GONDOLF & ELLEN R. FISHER, *BATTERED WOMEN AS SURVIVORS* 95-96 (1988); OKUN, *supra* note 55, at 57 (citing studies that find women commonly return because they lack

out adequate income support, women who leave battering relationships face a high risk of becoming homeless. Services targeted to battered women provide only emergency help, insufficient to allow women to support their families and move toward economic independence.⁸³ Indeed, battered women with or without children comprise a significant portion of the homeless population.⁸⁴ According to one recent survey of women housed in a shelter for victims of domestic violence, when asked to specify what resources they needed, 41% of the women seeking to end abusive relationships described housing as a necessary resource.⁸⁵ Without access to the support necessary to survive at a minimal level, a victim of domestic violence and her children may be forced to choose between a life of abuse and a life of poverty.

Battered women with children face especially difficult financial obstacles as a result of their abusers' conduct towards them. These women and their families, however, also must confront the economic hurdles facing all female-headed households. By some estimates, absent parents owe \$18 billion in uncollected child support.⁸⁶ This has a substantial negative impact on women who head 78% of all single-parent households and 88% of poor single-parent families.⁸⁷ In the third quarter of 1994, women who worked full-time earned only 77.9% of the median earnings for men.⁸⁸ Fewer than half of all employed women are full-time year-round workers.⁸⁹ This is significant because families headed by part-time workers are four times more likely to be poor.⁹⁰ When the part-time worker is also a single parent, the family is eight times as

economic resources); B.E. Aguire, *Why Do They Return? Abused Wives in Shelters*, 30 *SOCIAL WORK* 350, 350 (1985).

83. See Aguire, *supra* note 82, at 21-22 (noting that most battered women's shelters allow only eight week stay).

84. See Joan Zorza, *Woman Battering: A Major Cause of Homelessness*, 25 *CLEARINGHOUSE REV.* 421, 421 (1991); Donna Mascari, Comment, *Homeless Families: Do They Have a Right to Integrity?*, 35 *UCLA L. REV.* 159, 163 (1987).

85. Cris M. Sullivan, et al., *After the Crisis: A Needs Assessment of Women Leaving a Domestic Violence Shelter*, 7 *VIOLENCE AND VICTIMS* 267, 272 (1992).

86. Horn, *supra* note 18, at 22.

87. POPULATION REFERENCE BUREAU, INC., *WHAT THE 1990 CENSUS TELLS US ABOUT WOMEN: A STATE FACTBOOK* 20, 32 (1993).

88. BUREAU OF LABOR STATISTICS, *USUAL WEEKLY EARNINGS OF WAGE AND SALARY WORKERS: THIRD QUARTER 1994* (Oct. 26, 1994).

89. POPULATION REFERENCE BUREAU, INC., *supra* note 87, at 85.

90. U.S. GENERAL ACCOUNTING OFFICE, REPORT TO THE CHAIRMAN, SUBCOMMITTEE ON EMPLOYMENT AND HOUSING, COMM. ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, *WORKERS AT RISK: INCREASED NUMBERS IN CONTINGENT EMPLOYMENT LACK INSURANCE, OTHER BENEFITS* 5-6 (1991).

likely to be poor.⁹¹ While working poor women face the additional cost of child care, which often amounts to 23% of their income,⁹² child care costs represent only 9% of the income of non-poor families.⁹³

Faced with poverty and homelessness, battered women with children often will "balance the possible harm to the children through inadequate housing with the harm from maintaining the relationship. Unless the children are threatened directly or indirectly, the woman may well choose for them rather than herself. In a very real way, she is choosing between known and unknown dangers"⁹⁴ In addition, many women remain trapped in abusive relationships because they lack resources to leave and fear the poverty they may face. Battered women who leave even severely violent relationships often return to their batterers for economic reasons.⁹⁵ Without adequate financial assistance, battered women are too often forced to accept violence as an inevitable fact of life. In short, battered women must have a "sound bridge out of poverty"⁹⁶ in order to afford to live safely and separately from their abusive partners.

IV. Policy Responses

These realities of women's lives suggest the need for welfare reform proposals that are quite different than those currently under consideration in Congress.

First, one of the key problems currently facing battered women receiving AFDC is the risk of sanctions or reduced welfare benefits if the agency becomes aware that they have a live-in partner or boyfriend. For example, the partner's income may, under certain circumstances, be attributed to the woman and her children, even if the partner does not contribute to the household finances.⁹⁷ While reporting rules are intended to target subsidies to those who are most in need, reform is clearly necessary to ensure that these rules do not serve as a deterrent to reporting violence while at the same

91. *Id.*

92. 1994 GREEN BOOK, *supra* note 6, at 541.

93. *Id.*

94. Mahoney, *supra* note 33, at 23.

95. *Planned Parenthood v. Casey*, 505 U.S. —, 112 S. Ct. 2791, 2828 (1992). The state of Wisconsin reports that lack of affordable housing in many Wisconsin communities has forced domestic abuse victims without other options to return to their abusive situations. WISCONSIN HOUSING REPORT, *supra* note 55, at 63.

96. GONDOLF & FISHER, *supra* note 82, at 94.

97. *See, e.g.*, 42 U.S.C. § 602(a)(17) (1988 & Supp. 1993).

time frustrating efforts to identify the real barriers that keep women poor.

Second, welfare-to-work programs should be designed to provide support for poor women experiencing violence. Some programs have already taken steps in this direction. For example, the Family Support and Education Center in Cecil County, Maryland, persuaded the local domestic violence center to provide services directly at the welfare center job training site.⁹⁸ Government can clearly play a constructive role by designing and funding programs that recognize this critical need.

Third, because policymakers have thus far ignored the role that violence against women plays in poor women's lives, a number of proposed changes to the AFDC system may exacerbate women's poverty. For instance, two-tiered benefit schemes,⁹⁹ where claimants who move between states are generally paid lower benefits (at the level set by their prior state), may deter women from leaving abusive situations to join family and friends far outside the reach of their abuser.¹⁰⁰ Similarly, proposals, such as mandating that teen parents live at home in order to receive AFDC¹⁰¹ and narrowing the "good cause" exception to women's obligation to assist in identifying paternity,¹⁰² limit women's ability to make decisions in precisely those areas in which a teen parent or single mother is in the best position to evaluate her situation and assess the risk of violence. Each of these proposals, as well as other changes to AFDC, must be carefully evaluated in terms of their impact on battered women. In general, women's ability to evaluate their potential risk at the hands of an abusive partner should be given credence. Increasing the potential for violence by ignoring the violent realities of women's lives will only serve to increase the risk to themselves and their families, while prolonging their need for public assistance.

Finally, an adequate level of public assistance support is a necessary part of efforts to eliminate violence against women. AFDC benefits are already far from adequate. By 1993, median AFDC benefits had slipped to 38% of the federal poverty threshold.¹⁰³

98. RAPHAEL, *supra* note 62, at 4.

99. See Eliza N. Carney, *Test Drive*, 26 NAT'L J. 2893 (1994).

100. See Davis & Kraham, *supra* note 10.

101. See Julie Kosterlitz, *Behavior Modification*, 24 NAT'L J. 271, 273 (1992); Personal Responsibility Act of 1995, H.R. 4, 104th Cong., 1st Sess. Title I, § 101 (1995).

102. Personal Responsibility Act of 1995, H.R. 4, 104th Cong., 1st Sess. Title I, § 101 (1995).

103. 1994 GREEN BOOK, *supra* note 4, at 367.

Yet, without the minimal safety net provided by AFDC, women and children simply cannot leave violent situations.

A lifetime limit of AFDC to five years¹⁰⁴ makes no sense in light of this function of AFDC. Women may experience violence throughout their lifetimes and, depending upon the individual circumstances, may need to rely on AFDC longer than any arbitrary time limit. Similarly, the "child exclusion" proposals currently being debated in Congress,¹⁰⁵ as well as overall cuts in AFDC levels, will simply frustrate women's ability to flee violence.¹⁰⁶ Faced with choosing between beatings and starvation, women may too often choose beatings, exposing themselves and their children to prolonged violence that will only reinforce the cycle in the next generation.

V. Conclusion

AFDC serves an important function in protecting women from abusive relationships, which are themselves a cause of women's poverty. The minimal level of financial security provided by AFDC makes it possible for abused women to escape their violent surroundings. These realities should give pause to those who would cut or restrict women's welfare. Without the safety net provided by public assistance, many women and children would be trapped by financial constraints in dangerous or life threatening relationships. Thus, an adequate level of public assistance is a necessary part of efforts to eliminate violence against women and women's poverty.

104. Personal Responsibility Act of 1995, H.R. 4, 104th Cong., 1st Sess. Title I, § 101 (1995).

105. *Id.*

106. See generally MANHATTAN BOROUGH PRESIDENT'S OFFICE, REPORT OF THE TASK FORCE ON FAMILY VIOLENCE, BEHIND CLOSED DOORS: THE CITY'S RESPONSE TO FAMILY VIOLENCE 79-86 (1993) (describing difficulties facing battered women trying to subsist on public assistance).

